

## REMARKS

This Application is responsive to the Non-Final Office Action mailed March 26, 2007. At the time of the Office Action, Claims 54-70 were pending in this Application. Claims 54-70 were rejected. Claim 55 was objected to. Applicants amend Claim 55 to further defined the claimed invention. Applicant respectfully requests reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. §103**

Claims 54-56 and 59-70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bales et al. (U.S. Patent 4,682,596). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Independent Claim 54 recites, among other limitations recites: “an electrode terminal having an active electrode surface at or near the distal end of the shaft, the active electrode surface comprising a hemispherical geometry...”. Emphasis added. Independent Claims 65 and 70 similarly recite an electrode with a hemispherical geometry.

With respect to geometric definitions the term “hemisphere” is defined as:

...a half of the celestial sphere as divided into two halves by the horizon, the celestial equator, or the ecliptic b: half of a spherical or roughly spherical body (as a planet); secif: the northern or southern half of the earth as divided by the equator or the eastern or western half as divided by a meridian...

and “one of two half spheres formed by a plane through the sphere’s center”. MERRIAM WEBSTER’S COLLEGIATE DICTIONARY, 11<sup>th</sup> Edition, 2003.

The office action contends that Bales teaches, “a hemispherical-shaped electrode terminal (86).” Applicants traverse; the cited element is not hemispherical. As discussed in Bales, “tip member 86 has a curved or beveled forward edge 98.” and “...tip member 86 is generally cup-

shaped and has a central distal opening 99...”. Col. 7, lines 60-66, emphasis added. While portions of electrode 86 may have a curvature or bevel, electrode 86 is not generally domed shape. Also, because of central distal opening 99, electrode 86 has a ring or annular shape (thereby preventing it from being considered to have a hemispherical geometry).

The office action also contends that Bales discloses an electrically conductive fluid supply because Bales discloses using deionized water “which will have at least some conductivity”. Applicants submit that it is well known to those of skill in the art that deionized water is significantly less conductive than regular water (or saline). By specifying the use of deionized water as a flushing fluid, Bales teaches away from supplying an electrically conductive fluid at the target site.

Claims 57-58 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bales et al. (U.S. Patent 4,682,596) in view of Herczog et al. (GB 2037167). Applicants respectfully traverse. Claims 57 and 58 depend from Claim 54. As discussed above, Bales does not teach a hemispherical electrode surface. Similarly, Herczog also fails to teach or disclose a hemispherical electrode surface.

For at least these reasons Applicants respectfully request reconsideration, withdrawal of the obviousness rejections under §103 and full allowance of Claims 54-70.

Inventor: Philip E. Eggers et al.  
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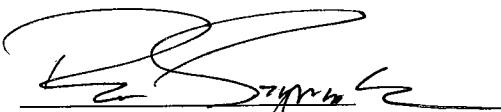
## CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants enclose a Petition for a Three-Month Extension of Time and hereby authorize the Commissioner to charge \$1020 to Deposit Account No. 50-0359 of ArthroCare Corporation. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.391.3961.

Respectfully submitted  
Attorney for Applicant,



Brian E. Szymczak  
Reg. No. 47,120

Date: 9/24/2007

### CORRESPONDENCE ADDRESS:

ARTHROCARE CORPORATION

CUSTOMER NO. **21394**

512.391.3961

512.391.3901 (fax)